

REMARKS

Applicant wishes to thank the Examiner for the courtesy of the telephonic interview conducted on June 27, 2007. A summary of the telephonic interview pursuant to 37 C.F.R. §1.133(b) and MPEP §713.04 is provided as Appendix A to this response.

Claims 1, 3 to 5 and 8 to 14 are pending in this application. All of the claims have been rejected. In view of the following remarks, Applicant respectfully submits that this application is in condition for allowance. Accordingly, reconsideration and a timely indication of allowance are respectfully requested.

Rejection Of Claims 1, 3 to 5, and 8 to 14 Based On Non-Statutory Obviousness-Type Double Patenting

The Examiner rejected claims 1, 3 to 5, and 8 to 14 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 7,097,026. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other, because the claims are merely an obvious variation of the other set of claims. Applicant respectfully traverses this rejection.

All of the claims in U.S. Patent No. 7,097,026 are directed to a system having a magnetic turnaround. The magnetic turnaround functions to transfer an object from a first conveyer to a second conveyer. This structure is wholly absent from the claims of the present application.

While the present application is directed to a system that has two conveyor belts, the system of the present invention aims to solve a totally different problem than that of U.S. Patent No. 7,097,026. In particular, the present application discloses

a system that allows for discharge from two conveyor belts to an oven conveyor without the need for synchronization with the oven conveyor. See e.g., page 5, line 31 to page 6, line 22 of the specification.

To accomplish discharge from two conveyor belts without synchronization with an oven conveyor, one of the conveyor belts is pivotable between a lower position in which the discharge ends of the first conveyor and the second conveyor are adjacent and an upper position in which the discharge ends of the conveyors are spaced apart to accommodate the passage of objects therebetween. U.S. Patent No. 7,097,026 does not teach, suggest or claim such a structure.

Thus, the two patents are directed to totally different subject matter. The applications contain no common priority claims and have completely different disclosures. Therefore, Applicant respectfully submits that the present claims are not an obvious variation of the claims of Lawrence's U.S. Patent No. 7,097,026.

Accordingly, Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

For the reasons set forth above, Applicant respectfully submits that all of the claims in the application are now in condition for allowance. Accordingly, reconsideration and allowance of all claims is requested.

If the Examiner believes a telephone conference would aid in the prosecution of this application, then the Examiner is invited to contact the undersigned at the below listed telephone number.

No fees are believed due with this communication. However, the Commissioner is hereby authorized to charge payment of any fees due with this communication to Deposit Account No. 19-2090.

Respectfully submitted,

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APPENDIX A
SUMMARY OF TELEPHONIC INTERVIEW
WITH EXAMINER SIMONE ON JUNE 27, 2007

The Applicant's representative, Marc Karish, conducted a telephonic interview with Examiner Timothy Simone on June 27, 2007 to discuss the nature of the rejection in the Office Action dated June 15, 2007.

The Applicant's representative argued that the claims of U.S. Patent No. 7,097,026 were directed to a magnetic turnaround for transferring an object from a first conveyer to a second conveyer. Applicant's representative further argued that this structure was wholly absent from the present application and claims.

No agreement was reached. The Examiner suggested that Applicant file a written response to the Office Action and that the Examiner would consider the arguments therein.